



Order Filed on September 27, 2016
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

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In Re:

Maria Ciocca,

Debtor.

Case No.: 12-28191

Chapter: 13

Judge: KAPLAN

ORDER APPROVING MORTGAGE MODIFICATION

The relief set forth on the following pages, numbered two (2) through three (3) is hereby **ORDERED**.

DATED: September 27, 2016


Honorable Michael B. Kaplan
United States Bankruptcy Judge

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Debtor: Maria Ciocca

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Caption: Order Granting Motion to Approve Permanent Loan Modification with Creditor Ditech

AND NOW, this ____ day of _____, 2016, upon consideration of the Debtor's Motion to Approve Permanent Loan Modification with Creditor Ditech and a hearing having been held, it is hereby ORDERED as follows:

1. The Mortgage Modification Agreement between the Debtor and Ditech, as to loan number xxxxxxxx3376, on a home mortgage on 4 Blue Heron Court, Medford, NJ 08055, is **Approved** on the terms and subject to the conditions contained in the attached "Exhibit A", which was made part of the moving papers.

2. The mortgage lender may proceed with all steps necessary to consummate and complete that modification agreement, and to issue bills, statements or other notices in accordance therewith, without violating the automatic stay under 11 U.S.C. 362.

3. In the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, Ditech shall amend the arrearage portion of its proof of claim to the amount the trustee paid to Ditech towards the pre-petition arrears up to the date of the entry of this Order or withdraw the claim within thirty (30) days of completion of the loan modification.

4. The Chapter 13 Trustee shall suspend disbursements to Ditech, pending completion of loan modification.

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5. In the event the modification is not consummated, Ditech shall notify the Trustee and debtors' attorney of same. Any money that was held by the Trustee pending completion of the modification shall then be paid to Ditech.

6. In the event the Proof of Claim is amended to the amount they already paid or withdrawn, the Trustee may disburse the funds being held pursuant to this order to creditors in accordance with the provisions of the confirmed plan.

7. Communication and/or negotiations between the Debtor and mortgagees/mortgage servicers about loan modification shall not be deemed as violation of the automatic stay; and any such communication or negotiation shall not be used by either party against the other in any subsequent litigation.

8. The Debtor shall file an amended Chapter 13 plan and amended schedule J within twenty (20) days of the entry of this Order reflecting the terms of the Loan Modification Agreement.